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LOCAL LAW FILING

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Village of Fayetteville-----

Local Law No. 5 of the year 2013

A local law amending Chapter 187 (Zoning) of the Code of the Village of Fayetteville to allow for  
Planned Unit Development Districts

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Be it enacted by the Village Board of the Village of Fayetteville as follows:

Section 1. That Chapter 187 (Zoning) of the Code of the Village of Fayetteville be amended by adding the following section:

**§ 187-7 M. Planned Unit Development Districts (PUDs).**

The purpose of a Planned Unit Development District is to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. A PUD District may permit the combination of residential and non-residential uses in a single district where that combination enhances the general welfare of the community. The PUD is intended to promote site design and land use flexibility not feasible in other zoning districts, such as where a project combines multiple uses that could not permissibly coexist in any other single zoning district. A PUD is proper where the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect that could not be achieved under any other district. In Planned Unit Development Districts, land and structures may be used for any lawful purpose in accordance with the provisions set forth herein.

1. Objectives. In order to carry out the purpose of this section, planned unit developments (PUDs) shall promote and accomplish the following objectives:
  - a. Provide a choice of environments, housing types, lot sizes and community facilities available within a planned neighborhood;
  - b. Provide usable open space and recreation areas, and conserve natural resources and outstanding landscape features;
  - c. Provide for conveniently located accessory commercial and service areas;

- d. Allow orderly transition of uses through creative development of land and related infrastructure;
- e. Utilize land efficiently by creating less extensive networks of utilities and streets;
- f. Create a land use and development pattern consistent with the goals, objectives and policies of the Village Comprehensive Plan;
- g. Create more desirable living, shopping and working environments than would be possible without applying the provisions of this section.

## 2. General requirements.

- a. No area of less than 3 contiguous acres may be zoned as a PUD District, unless the Village Board specifically waives this requirement and states its reasons for doing so upon the creation of the PUD District.
- b. The entire area of the proposed PUD District shall be owned or controlled by the same entity, or by multiple property owners filing a joint application for establishment of the proposed PUD District, at the time of zone change. The approved PUD plan shall be binding on all owners and future owners and tenants.
- c. The allowed uses and respective areas for the allowed uses shall be determined by the Village Board, following recommendation from the Planning Board, upon creation of the district.
- d. The density of allowed uses shall be determined by the Village Board, following recommendation from the Planning Board, upon creation of the district.
- e. Dimensional requirements for the district shall be as determined and specified by the Planning Board upon site plan approval.
- f. Signage for the district shall be as determined and specified by the Planning Board upon site plan approval.

## 3. Application and approval procedure.

- a. Pre-application Conference. The applicant shall meet informally with the Code Enforcement Officer, the Planning Board Chairperson or a designated member of the Planning Board, and the Mayor or a designated Village Trustee, to discuss the appropriateness of a proposed PUD and any items that should be addressed with the preparation of the PUD application.
- b. Application. All applications for a zone change to a PUD District shall be initiated by submitting an application form, application fee, and sketch plan to the Village Board. The sketch plan shall demonstrate the proposed district boundary and the boundaries of the use areas within the district, indicating for each such use its general extent, size and composition. The Village Board shall have discretion to accept or decline the application.
- c. PUD plan. If the Village Board accepts an application, such application shall be referred to the Planning Board for its review. In order to allow the Planning Board and the developer to reach an understanding on basic design requirements prior to detailed design investment, the applicant shall submit a PUD plan of the

proposal to the Planning Board. The PUD plan shall be approximately to scale, although it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information at a minimum:

1. Delineation of the proposed district boundary and the boundaries of the use areas within the district, indicating for each such use its general extent, size and composition;
  2. The general outlines of the interior roadway system and all existing and proposed rights-of-way and easements, whether public or private;
  3. The general pedestrian circulation plan, to prioritize pedestrian safety over vehicular movement and parking;
  4. The interior open space system, if any;
  5. The overall drainage system, including existing and proposed easements;
  6. If grades exceed 3%, or portions of the site have soils which have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, a topographic map with contours at intervals of not more than five feet of elevation shall be provided along with an overlay portraying the above susceptible soil areas;
  7. Principal ties to the community at large with respect to transportation, water supply, and sewage disposal;
  8. A location map showing zoning and ownership of abutting lands;
  9. Any proposed subdivision of the property into smaller parcels for sale to individual owners; and
  10. Delineation of any areas of natural or historical significance.
- d. Additional documentation. The following documentation shall accompany the PUD plan unless waived by the Planning Board:
1. A completed long-form environmental assessment form (EAF) and other environmental information as may be required by the Planning Board pursuant to the New York State Environmental Quality Review Act (SEQR);
  2. Evidence of the existing and future community demand for proposed uses;
  3. Evidence that the proposal is compatible with the Village's Comprehensive Plan;
  4. General statement as to how existing and proposed open and common space is to be maintained and used;
  5. If the development is to be phased or sectioned, a general indication of how the phasing or sectioning is to proceed and a

preliminary schedule. Whether or not the development is to be phased or sectioned, the PUD plan shall show the entire project;

6. A statement regarding the availability of water supply and sewage disposal;
  7. A general description of the public safety services which will be required and whether such services are presently available;
  8. Evidence demonstrating the applicant's competence to carry out the plan;
  9. A statement of the proposed allowed uses and the respective areas for the allowed uses, as well as the proposed density of the allowed uses; and
  10. Any other information reasonably required by the Planning Board.
- e. Planning Board review of the PUD plan. The Planning Board shall review the PUD plan and its accompanying documents and shall make a recommendation to the Village Board, within such time as the Planning Board deems adequate. The Planning Board may call upon any Village department or officials and any other public agencies or private consultants that it feels are necessary to provide a sound review of the proposal, the reasonable cost of which, if any, shall be borne by the applicant. The Planning Board shall refer the PUD plan to the Fayetteville Fire Department and SOCPA, and the Planning Board shall consider each organization's comments, if any, before making its recommendation to the Village Board.

The following matters shall be addressed in the Planning Board's referral report to the Village Board:

1. The consistency of the plan with the Village Comprehensive Plan;
2. The consistency of the plan with the purposes and objectives of a PUD District;
3. Whether the plan meets all of the applicable general requirements of this section;
4. Whether the plan is conceptually sound in that it meets local and area-wide needs and conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, pedestrian system and drainage system;
5. Whether there are adequate services and utilities available or proposed to be made available for the site;
6. Whether the proposed phasing or sectioning, if any, is feasible and appropriate to the purposes and circumstances of the project. The Planning Board shall consider whether the phasing or sectioning proposed will have an adverse impact upon the completion of the entire project or a negative impact in the event that the entire project is not completed as contemplated.

f. Village Board action. If the Planning Board recommends denial of the application for a PUD District, the application shall be denied. If the Planning Board recommends approval of the application for a PUD District (with or without conditions or modifications to the PUD plan), the Village Board shall consider whether to approve the application.

g. Village Board approval.

1. Before voting on whether to approve a PUD plan and thereby to establish a PUD District, the Village Board shall complete all procedures required under SEQR and shall hold a public hearing in accordance with § 187-35 of the Village Code.
2. Following the public hearing, the Village Board shall, by resolution, approve or disapprove the proposed PUD plan as presented or modified, with or without conditions as necessary to fully protect the health, safety, and welfare of the community. If the PUD plan is approved, the resolution shall set forth the time, from site plan approval by the Planning Board, within which the applicant must complete the development and/or the periods of time in which phased development must be completed and new phases commenced.
3. A resolution approving a PUD plan shall state the allowed uses and the areas for those allowed uses, as well as the density of the allowed uses.
4. As a condition of approval, the Village Board may require the posting of adequate performance guaranties to ensure the completion of the project and the installation of all site improvements. Such performance guaranties shall be in an amount established by the Village Board and deemed sufficient by the Village Board to cover the cost of all such improvements as estimated by the Village Board, and should include an agreed-upon schedule for the completion of the improvements, and shall be in a form satisfactory to the Village Attorney.
5. If the Village Board grants the zone change, the Zoning Map shall be so amended. No permits or other approvals will be issued until site plan approval has been granted by the Planning Board.

h. Site plan approval.

1. Upon Village Board approval of the PUD District as provided for in subsection (g) above, the Planning Board shall undertake final project site plan review in accordance with § 187-37 of the Village of Fayetteville Code.
2. If the applicant fails to obtain site plan approval within 12 months of the approval date of the zone change by the Village Board, the subject property shall revert to its prior zoning district classification, unless the Planning Board grants an extension of the 12-month deadline.

- i. Subdivisions in a PUD District. If part of the proposed PUD involves the subdivision of land into smaller parcels for sale to individual owners, the procedures required for approval of the PUD plan and site plan shall suffice for compliance with the Village subdivision regulations. In such case, the developer shall prepare a subdivision plat suitable for signature by the Planning Board Chairman and filing with the County Clerk following site plan approval.
- j. Failure to comply with PUD plan or to commence or complete construction. If the PUD applicant or subsequent owner fails to develop the site in accordance with the approved PUD plan and site plan, or if the applicant or subsequent owner fails to develop the site in accordance with the approved timetable for development, including compliance with any specified time for commencing and/or completing any phase of construction after the granting of site plan approval and/or issuance of a building permit, the PUD District shall become null and void, and the property shall revert to the prior zoning classification(s), unless the Village Board passes a resolution providing otherwise.
- k. Amendments to approved PUD plan. An approved PUD plan may be amended only by resolution of the Village Board following a positive recommendation from the Planning Board. For the purposes of regulating development and use of property after initial construction and occupancy, all changes to a PUD plan, including but not limited to changes in use, shall be processed as special use permit requests to and decision by the Planning Board for recommendation to the Village Board. Properties in a PUD District are unique and shall be so considered by the Planning Board and Village Board when evaluating these requests, and maintenance of the intent and function of the PUD District shall be of primary importance.

Section 2. This Section shall take effect upon filing with the Secretary of State.